

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5<sup>TH</sup> DAY OF DECEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO.9653 OF 2021 (L-RES)

BETWEEN

MANAGER,  
M/S. G4S SECURE SOLUTIONS (INDIA)  
PRIVATE LIMITED,  
NO.221, JNANASHRI, 1-A,  
MAIN ROAD, K.R.S. ROAD,  
METAGALLI POST,  
MYSURU-570 016

....PETITIONER

(BY SMT H R RENUKA, ADVOCATE)

AND

SHRI. ANNEGOWDA  
S/O. SHRI. ANNEGOWDA,  
AGED ABOUT 40 YEARS,  
NEW EXTENSION,  
MARISHETTY BLOCK,  
BELAVADI,  
MYSURU TALUK AND DISTRICT-570 030.

...RESPONDENT

(BY SRI L SHEKAR, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER PASSED BY HONBLE LABOUR COURT, MYSURU IN REFERENCE NO.29/18 ON 11.09.2019 INsofar AS DIRECTING THE RESPONDENT TO PAY RS.1,00,000/- (RS.ONE LAKH ONLY) TO THE RESPONDENT ON HUMANITARIAN GROUND TOWARDS FULL AND FINAL SETTLEMENT UNDER THE HEAD

SUCH OTHER RELIEF. THE IMPUGNED ORDER IS ENCLOSED AS ANNEXURE -A AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 29.11.2022, COMING ON FOR 'PRONOUNCEMENT OF ORDER' THIS DAY, THE COURT MADE THE FOLLOWING:-

### **ORDER**

The above Writ Petition is filed seeking the following reliefs:

*"(a) A writ of Certiorari quashing the impugned order passed by Hon'ble Labour Court, Mysuru in Reference No.29/18 on 11.09.2019 insofar as directing the Respondent to pay ₹1,00,000/- [Rs. One Lakh Only] to the Respondent on Humanitarian Ground towards full and final settlement under the head 'such other relief'. The impugned Order is enclosed as Annexure-A.*

*(b) Issue any other writ order or direction as this Hon'ble Court deems fit to grant in the circumstances of the case."*

2. It is the case of the Petitioner - Company that the Respondent had joined its services on 29.1.2015. On 12.9.2015 when the Respondent was travelling in a two wheeler, he met with an accident and he was treated as an inpatient in the hospital till 20.1.2016. On 12.8.2016 the Petitioner sent a notice to the Respondent calling for full

and final settlement. However, vide reply dated 24.8.2016, the Respondent alleged refusal of employment by the Petitioner. At the instance of the Respondent, conciliation was held on 24.12.2016 and on failure of the said conciliation proceedings, a reference was made to the Labour Court for adjudication in Ref.No.29/2018. Vide Award dated 11.9.2019, the Labour Court has held as follows:

**ORDER**

*The Reference sent by the government under Order No.Kaa.Eee.567 I.D.M.2018, Dated: 14.05.2018 under Section 10(1)(c) of the Industrial Disputes Act, 1947 and the Claim Statement filed by the First Party is hereby **REJECTED**.*

*The Second Party is hereby directed to pay ₹1,00,000/- (₹one Lakh only) to the First Party on humanitarian ground towards full and final settlement under the head "such other relief".*

*Both the parties are directed to bear their own costs."*

3. Being aggrieved, the present Writ Petition is filed.

4. It is the contention of the Petitioner that there is absolutely no basis for the Labour Court to direct the Petitioner to pay a sum of ₹1,00,000/- to the Respondent and seeks for allowing of the Writ Petition and granting of reliefs sought for.

5. The Respondent is served and unrepresented.

6. I have given my anxious consideration to the contentions putforth by the learned Counsel for the Petitioner and perused the material on record. The question that arises for consideration is,

*"Whether the Award of the Labour Court in so far as it directs the petitioner to pay the Respondent a sum of ₹1,00,000/- is liable to be interfered with?"*

7. Before the Labour Court, the Respondent examined himself as WW.1 and marked Exs.W1 to W6. The Petitioner initially examined MW.1 and thereafter after the evidence of MW.1 was discarded, MW.2 was examined and Exs.M1 to M13 were marked in the evidence. The

Labour Court, vide Award dated 11.9.2019 appreciated in detail the entire material on record and the case put forth by both the Petitioner as well as the Respondent and recorded a categorical finding of fact, *inter alia*, that there is no obligation on the part of the Petitioner to fulfill the ingredients of Section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'ID Act'); that there is no refusal of employment by the Petitioner in not allowing the Respondent to attend to his duty in the absence of any Certificate being issued by the Medical Board and the same cannot be termed as removal from service. After recording the said findings, the Labour Court rejected the Claim Statement filed by the Respondent under Section 10(1)(c) of the ID Act. However, without any basis and purely on humanitarian grounds, the Labour Court directed the Petitioner to pay a sum of ₹1,00,000/- towards full and final settlement and justified that the same is being granted under the head "such other relief".

8. There being no basis, either factual or legal, for the Labour Court to direct the Petitioner to pay the said sum of ₹1,00,000/-, the question framed for consideration in this writ petition is answered in the affirmative, in favour of the Petitioner.

9. In view of the aforementioned, I pass the following:

**ORDER**

- i. The Writ Petition is allowed;
- ii. The Award dated 11.9.2019 passed in ID No.29/2018 by the Labour Court, Mysuru, insofar as it directs the Petitioner to pay a sum of ₹1,00,000/- to the Respondent is set aside.

No costs.

**SD/-  
JUDGE**

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